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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Applicants arguments filed 07/03/2008 regarding the rejection of claims 1-9, 11 and 13-20 made by the Examiner under 35 USC 103(a) are maintained for the reasons of record in the office actions mailed on 12/11/2007 and 04/10/2008.

In regards to the 103(a) rejection Applicant asserts the following:

A) Modiamo does not teach a penetration rate of bisoprolol of 3-300 ug/hr.cm2; and

B) Example 2 of Hirano does not have a carboxyl group.

With respect to assertion A, the Examiner acknowledges that Modiamo does not teach a rate of bisoprolol penetration which encompassess the instantly claimed range of 3-300 ug/hr.cm2. However, Modiamo does remedy this deficiency by stating that the rate of transdermal pentration can be enhanced by including transdermal absorption enhancers. Modiamo even cites Walters which lists known transdermal enhancers. Moreover, the teachings of Hirano and Higo incorporate transdermal penetration enhancers into their patch formulations. It is taught by Higo that these enhancers are useful because they promote the transdermal deliery of active agents that possess a low diffusion constant for crossing the epidermal barrier. It would have been obvious to one of ordinary skill in the art to include such absorption enhancers with a reasonable expectation for success in increasing the rate of bisoprolol across the skin, resulting in a higher plasma concentration and improved pharmacological action. Applicants arguments are not found persuasive.

With respect to assertion B, the Examiner agrees that Example 2 of Hirano does not include a carboxyl group. It should be noted however that Example 2 was said to be similar, not identical to the instant claims. Hirano as noted in previous office actions is directed to percutaneous treatment devices which are copolymers comprising pressure sensitive adhesives containing methacrylic acid alkyl ester monomers and carboxyilic acid monomers such as acrylic acid and methacrylic acid (see column 6, lines 47-51). However, Hirano disclose multiple pressure sensitive adhesive formulations some of which utilize 2-ethylhexyl acrylate and vinyl acetate and other use 2-ethylhexyl acrylate and meth acrylic acid, see in particular Examples 1 and 7. A person of ordinary skill in the art would be capable of looking at the examples and combine them to arrive at an acrylic adhesive consists of 2-ethylhexyl acrylate, vinyl acetate and methacrylic acid. Applicants arguments are not found persuasive.